

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

**ROBERT JOHNSON, as personal
representative for the ESTATE OF
IRENA JOHNSON,**

Plaintiff,

V.

WILLIE EVA BALDWIN

Defendant.

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) **CASE NO.: 2:07cv1068-MHT**
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OPPOSITION TO DEFENDANT WILLIE EVA BALDWIN'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW, the Plaintiff, by and through his counsel of record pursuant to Rule 56 of the Federal Rules of Civil Procedure in opposition to Defendant Willie Eva Baldwin's Motion for Summary Judgment and moves this Honorable Court to deny said motion.

As grounds therefore, Plaintiff, Robert Johnson submits that there are genuine issues of material fact such that Defendant Baldwin is not entitled to judgment as a matter of law. This contention in opposition is based upon: (1) the Plaintiff's complaint, as amended - (Exhibit A); (2) the deposition of Defendant Baldwin (Exhibit B) and exhibits attached thereto - (Plaintiff's Exhibits 49, 50, and 55); (3) Plaintiff's deposition Exhibit 4 – Alabama Uniform Accident Report (Exhibit C); and (4) the plaintiff's Brief in Opposition to Summary Judgment.

WHEREFORE, PREMISES CONSIDERED, bases upon the submission by Plaintiff Robert Johnson, he respectfully requests that this Honorable Court deny summary judgment in favor of Defendant Baldwin as to all claims set forth in his complaint in this cause.

Respectfully Submitted, this the 15th day of August, 2008.

/s/ **Zachary T. Collins**

Zachary T. Collins
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I, Zachary T. Collins, certify that on the 15th day of august, 2008, the foregoing document was served on counsel/adverse party listed below, properly addressed and pre-paid, in the following manner:

- () Facsimile;
- () Facsimile, original to follow by United States mail, first class, properly addressed;
- () United States mail, first class, properly addressed;
- () United States mail, Express Mail delivery;
- () Federal Express, overnight delivery;
- () United Parcel Service, overnight delivery;
- () Hand delivery;
- (x) CM/ECF

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